

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Paula A.,

Case No. 22-CV-2358 (KMM/DJF)

Plaintiff,

v.

ORDER

Martin O'Malley,¹
Commissioner of Social Security

Defendant.

The above matter comes before the Court upon the Report and Recommendation (R&R) of United States Magistrate Judge Dulce J. Foster, dated October 11, 2023. No objections have been filed to that R&R in the time period permitted.

The Court reviews de novo any portion of the R&R to which specific objections are made. 28 U.S.C. § 636(b)(1); D. Minn. LR 72.2(b). In the absence of objections, the Court reviews the R&R for clear error. *Nur v. Olmsted County*, 563 F. Supp. 3d 946, 949 (D. Minn. 2021) (citing Fed. R. Civ. P. 72(b) and *Grinder v. Gammon*,

¹ Martin J. O'Malley became the Commissioner of Social Security on December 20, 2023. Press Release, Social Security Administration, available at <https://www.ssa.gov/news/press/releases/2023/#12-2023-2> [archived at <https://perma.cc/2FF2-GV8T>]. Under Rule 25, as the successor to former Defendant Kilolo Kijakazi, Mr. O'Malley is “automatically substituted as a party.” Fed. R. Civ. P. 25(d).

73 F.3d 793, 795 (8th Cir. 1996) (per curiam)). Based on the Court's careful review of the R&R and the record in this case, the Magistrate Judge committed no clear error, and the R&R is adopted in full.

IT IS HEREBY ORDERED that:

1. The Commissioner's denial of benefits is reversed and this matter be **REMANDED** to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g), for further administrative proceedings consistent with this Report and Recommendation; and.
2. Plaintiff's Motion for Summary Judgment (ECF) is **DENIED** in all other respects

Let Judgment Be Entered Accordingly.

Date: **February 12, 2024**

s/ Katherine M. Menendez
Katherine M. Menendez
United States District Judge